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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case Number **2013-758**

12 **ROBIN JANIELEE SHAW**
a.k.a. **ROBIN SHAW**
13 a.k.a. **ROBIN JANIELLE SHAW**
3226 Cloverdale Street
14 Houston, Texas 77025

A C C U S A T I O N

15 **Registered Nurse License Number 458608**

16 Respondent.

17
18 Complainant Louise R. Bailey, M.Ed., R.N., alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

22 2. On or about August 31, 1990, the Board issued Registered Nurse License Number
23 458608 to respondent Robin Janielee Shaw, a.k.a. Robin Shaw, a.k.a. Robin Janielle Shaw. This
24 registered nurse license expired on September 30, 2008, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 118, subdivision (b) provides:

2 “The suspension, expiration, or forfeiture by operation of law of a license issued by a board
3 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
4 of a court of law, or its surrender without the written consent of the board, shall not, during any
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the licensee on any such ground.”

9 5. Section 2750 provides:

10 “Every certificate holder or licensee, including licensees holding temporary licenses, or
11 licensees holding licenses placed in an inactive status, may be disciplined as provided in this
12 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this
13 article, ‘license’ includes certificate, registration, or any other authorization to engage in practice
14 regulated by this chapter. The proceedings under this article shall be conducted in accordance
15 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
16 Government Code, and the board shall have all the powers granted therein.”

17 6. Section 2759 provides:

18 “The board shall discipline the holder of any license, whose default has been entered or
19 who has been heard by the board and found guilty, by any of the following methods:

20 “(a) Suspending judgment.

21 “(b) Placing him upon probation.

22 “(c) Suspending his right to practice nursing for a period not exceeding one year.

23 “(d) Revoking his license.

24 “(e) Taking such other action in relation to disciplining him as the board in its discretion
25 may deem proper.”

26 7. Section 2764 provides:

27 “The lapsing or suspension of a license by operation of law or by order or decision of the
28 board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the

1 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
2 against such license, or to render a decision suspending or revoking such license.”

3 **STATUTORY AND REGULATORY AUTHORITY**

4 8. Section 141 provides:

5 “(a) For any licensee holding a license issued by a board under the jurisdiction of the
6 department, a disciplinary action taken by another state, by any agency of the federal government,
7 or by another country for any act substantially related to the practice regulated by the California
8 license, may be a ground for disciplinary action by the respective state licensing board. A
9 certified copy of the record of the disciplinary action taken against the licensee by another state,
10 an agency of the federal government, or another country shall be conclusive evidence of the
11 events related therein.

12 “(b) Nothing in this section shall preclude a board from applying a specific statutory
13 provision in the licensing act administered by that board that provides for discipline based upon a
14 disciplinary action taken against the licensee by another state, an agency of the federal
15 government, or another country.”

16 9. Section 2761 provides, in pertinent part:

17 “The board may take disciplinary action against a certified or licensed nurse or deny an
18 application for a certificate or license for any of the following:

19 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

20 . . .

21 “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
22 against a health care professional license or certificate by another state or territory of the United
23 States, by any other government agency, or by another California health care professional
24 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
25 action.”

26 10. California Code of Regulations, title 16, section 1444, provides:

27 “A conviction or act shall be considered to be substantially related to the qualifications,
28 functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
2 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

3 “(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
4 subdivision (d) of Penal Code Section 11160.

5 “(b) Failure to comply with any mandatory reporting requirements.

6 “(c) Theft, dishonesty, fraud, or deceit.

7 “(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
8 Penal Code.”

9 **COST RECOVERY**

10 11. Section 125.3 provides, in pertinent part:

11 “(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
12 proceeding before any board within the department or before the Osteopathic Medical Board,
13 upon request of the entity bringing the proceedings, the administrative law judge may direct a
14 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
15 to exceed the reasonable costs of the investigation and enforcement of the case.

16 ...

17 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
18 of investigation and enforcement of a case in any stipulated settlement.”

19 **DRUGS**

20 12. “Oxazepam” is used for the treatment of anxiety and insomnia and in the control of
21 symptoms of alcohol withdrawal. It is a Schedule IV controlled substance pursuant to Health and
22 Safety Code section 11057, subdivision (d)(23), and a dangerous drug pursuant to Business and
23 Professions Code section 4022.

24 **FACTUAL BACKGROUND**

25 13. Respondent has held a registered nurse license in Nevada under license number
26 26334. Respondent also has held a registered nurse license in Texas under license number
27 704930.

28 ///

14. On or about February 22, 1996, respondent and the Nevada State Board of Nursing (Nevada Board) entered into an "Agreement for Probation (Nondisciplinary)" (Agreement) entitled *In the Matter of Robin Shaw, RN License Number 26334*, Case Number 0123-95C. This Agreement stated that "[r]espondent freely admits that he/she is habitually intemperate and/or addicted to the use of a controlled substance." The Agreement granted respondent a conditional registered nurse license to be monitored for a minimum of five years subject to terms and conditions, including abstention from alcohol and controlled substances, successful progress in a treatment program, and random screens for alcohol and drugs. The Nevada Board adopted the Agreement on or about March 7, 1996.

15. On or about May 23, 2011, respondent and the Texas Board of Nursing (Texas Board) entered into an “Agreed Order” (Order) entitled *In the Matter of Registered Nurse License Number 704930 Issued to Robin Janielle Shaw*. This Order stated that “[r]espondent engaged in the intemperate use of Oxazepam, in that she produced a specimen for a pre-employment drug screen that resulted positive of Oxazepam.” The Order issued a warning with stipulations against respondent’s Texas nursing license. The stipulations in the Order included abstention from alcohol and controlled substances, and random screens for alcohol and drugs. The Texas Board adopted the Order on or about June 14, 2011.

CAUSES FOR DISCIPLINE

FIRST CAUSE FOR DISCIPLINE

Bus. & Prof. Code, §§ 141, 2761, subd. (a)(4)

Unprofessional Conduct: Out-of-State Disciplinary Action in Nevada

16. The allegations of paragraphs 13-14 are realleged and incorporated by reference as if fully set forth.

17. Respondent has subjected her registered nurse license to disciplinary action under sections 141 and 2761, subdivision (a)(4), for the unprofessional conduct of disciplinary action against a health care professional license by another state or territory of the United States or by any other government agency. As set forth in paragraphs 13-14 above, in 1996 the Nevada Board adopted an Agreement granting respondent a conditional registered nurse license to be monitored for a minimum of five years subject to terms and conditions, including abstention from alcohol

1 and controlled substances, successful progress in a treatment program, and random screens for
2 alcohol and drugs.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **Bus. & Prof. Code, §§ 141, 2761, subd. (a)(4)**

5 **Unprofessional Conduct: Out-of-State Disciplinary Action in Texas**

6 18. The allegations of paragraphs 13 and 15 are realleged and incorporated by reference
7 as if fully set forth.

8 19. Respondent has subjected her registered nurse license to disciplinary action under
9 sections 141 and 2761, subdivision (a)(4), for the unprofessional conduct of disciplinary action
10 against a health care professional license by another state or territory of the United States or by
11 any other government agency. As set forth in paragraphs 13 and 15 above, in 2011 the Texas
12 Board adopted an Order issuing a warning with stipulations against respondent's Texas nursing
13 license. The stipulations in the Order included abstention from alcohol and controlled substances,
14 and random screens for alcohol and drugs.

15 **PRAYER**

16 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
17 Accusation, and that following the hearing the Board issues a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 458608 issued to Robin
19 Janielee Shaw, a.k.a. Robin Shaw, a.k.a. Robin Janielle Shaw;
20 2. Ordering Robin Janielee Shaw, a.k.a. Robin Shaw, a.k.a. Robin Janielle Shaw, to pay
21 the Board the reasonable costs of the investigation and enforcement of this case pursuant to
22 Business and Professions Code section 125.3; and
23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: MARCH 14, 2013

25 *for* Stacie Ben
26 LOUISE R. BAILEY, M.Ed., R.N.
27 Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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